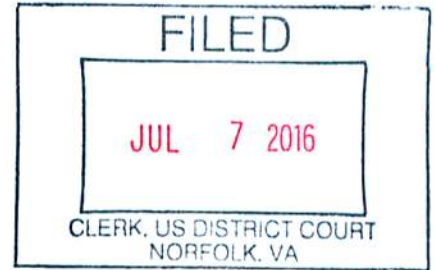


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division



UNITED STATES OF AMERICA,)
)
Plaintiff,)
v.)
)
HP LAPTOP COMPUTER)
MODEL 2000-2D70NR WITH)
SERIAL NUMBER 5CG3256TN0,)
)
IMAC COMPUTER MODEL A1224,)
WITH SERIAL NUMBER W8744FCRX85,)
)
AND)
)
SEAGATE BARRACUDA EXTERNAL)
HARD DRIVE MODEL ST1000DM003 WITH)
SERIAL NUMBER Z1D2A8YA.)
)
Defendant Property)

Civil Case No. 2:16cv 419

COMPLAINT FOR FORFEITURE IN REM

COMES NOW the plaintiff, United States of America, by and through its counsel, Dana J. Boente, United States Attorney for the Eastern District of Virginia and by Kevin Hudson, Assistant United States Attorney, brings this complaint and alleges as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

NATURE OF THE ACTION

1. This is a civil forfeiture action in rem brought against the defendant property, involving violations of 18 U.S.C. § 2252A(a)(5)(A). Defendant property includes HP Laptop computer model 2000-2D70NR with serial number 5CG3256TN0, iMac computer model A1224 with serial number W8744FCRX85 and Seagate Barracuda external hard drive model

ST1000DM003 with serial number Z1D2A8YA. The defendant property is subject to forfeiture to the United States pursuant to 18 U.S.C. § 2254 with reference to 18 U.S.C. §§ 2253(a)(1) and 2253(a)(3). 18 U.S.C § 2254 provides “[a]ny property subject to forfeiture pursuant to 2253 may be forfeited to the United States in a civil case in accordance with the procedures set forth in chapter 46.” 18 U.S.C. § 2253(a)(1) provides that “[a]ny visual depiction described in section...2252A...of this chapter ...or any matter which contains any such visual depiction...which was ...received in violation of this chapter” is subject to forfeiture. 18 U.S.C. § 2253(a)(3) provides that “any property, real or personal, used or intended to be used to commit...such offense” is subject to forfeiture.

THE DEFENDANTS IN REM

2. **The HP Laptop computer model 2000-2D70NR with serial number 5CG3256TN0, iMac computer model A1224 with serial number W8744FCRX85 and Seagate Barracuda external hard drive model ST1000DM003 with serial number Z1D2A8YA** were all seized by the Naval Criminal Investigative Service (“NCIS”) on December 29, 2014 from a home on Naval Fleet Activities Yokosuka, an American military installation in the special territorial jurisdiction of the United States and under the control of the United States Government, though located in the Kanagawa Prefecture of Japan. The above-described defendant property was brought to the United States and is currently in the possession of the Naval Criminal Investigative Service in Norfolk, Virginia.

JURISDICTION AND VENUE

3. This court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1345 and 1355(a).

4. Venue is proper in this district pursuant to 28 U.S.C. §§ 1355 (b)(1)(B) and 1395(c) because although the defendant property was seized outside this district, the defendant property has since been brought into this district.

5. The defendant property is now and during the pendency of this action will be within the jurisdiction of this Court.

BASIS FOR FORFEITURE

6. The defendant property is subject to forfeiture pursuant to 18 U.S.C. § 2254 with reference to 18 U.S.C. §§ 2253(a)(1) because it is matter which contains a visual depiction described in 18 U.S.C. § 2252A. Specifically, the defendant property was used in violation of 18 U.S.C. § 2252A(a)(5)(A). 18 U.S.C. § 2252A(a)(5)(A) provides that a person who “[k]nowingly possesses, or knowingly accesses with intent to view, any book, magazine, periodical, film, videotape, computer disk, or any other material that contains an image of child pornography...shall be punished...”

7. The defendant property is also subject to forfeiture pursuant to 18 U.S.C. § 2254 with reference to 18 U.S.C. §§ 2253(a)(3) because it was used to commit violations of 18 U.S.C. § 2252A(a)(5)(A), possession and access with intent to view child pornography.

FACTS

8. On or about December 22-23, 2014, Gabriel Groux (“Groux”) was a civilian living on Naval Fleet Activities Yokosuka, Kanagawa Prefecture, Japan, on land reserved and acquired for the use of the United States, and under the concurrent jurisdiction thereof. Groux lived with his father who was and still is an active duty member of the United States Navy.

9. Groux turned eighteen years old on July 29, 2014.

10. At approximately at 1:00 in the morning on December 23, 2014, Groux entered a home located on the Naval Fleet Activities Yokosuka belonging to another member of the United States Navy and his family. Groux chose the home because he observed a pair of sandals appearing to belong to a young girl outside the home.

11. Once Groux entered the home, he removed approximately \$975 U.S. Dollars and 2000 Japanese yen from a wallet on the kitchen table.

12. Groux then proceeded to enter the bedroom where the ten-year old daughter slept and watched her sleep for approximately five minutes. Groux had the urge to touch her as she slept.

13. After Groux left the sleeping girl's bedroom, he proceeded to exit the home. He observed two iPhone 4s in the house. Groux took both phones, which at the time had a market value of approximately \$199 U.S. Dollars each. Groux later destroyed both telephones and disposed of the parts in several different garbage dumpsters on Naval Fleet Activities Yokosuka.

14. On the morning of December 23, 2014, the owner of the home discovered the money and phones in question had been removed from his home. The incident was reported to agents with the NCIS.

15. On December 29, 2014, Groux provided a statement to NCIS agents to which he advised he had entered a home on base earlier that week, removed money and two iPhone 4 telephones from the home and had entered the bedroom of a minor girl to watch her sleep. Groux said he selected the house because he saw sandals outside the home appearing to belong to a young girl. Groux further advised that he had the urge to touch the minor girl as he watched her sleep. In his statement, Groux also informed NCIS agents that he routinely sought out and viewed child

pornography on the internet.

16. After receiving the defendant's statement, NCIS agents seized various electronic media from Groux's home on Naval Fleet Activities Yokosuka. Consent was given to conduct that search.

17. Forensic examination revealed several images of child pornography on devices to which the defendant had access, to wit: an HP Laptop computer model 2000-2D70NR with serial number 5CG3256TN0, an iMac computer model A1224 with serial number W8744FCRX85 and a Seagate Barracuda external hard drive model ST1000DM003 with serial number Z1D2A8YA.

PRAYER FOR RELIEF


18. Based on the foregoing facts and circumstances, the defendant property contains images of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(A) and was used to access these images of child pornography.

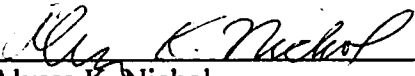
19. By virtue of these premises, the defendant property is, therefore, subject to forfeiture to the United States under 18 U.S.C. § 2254 with reference to 18 U.S.C. §§ 2253(a)(1) and 2253(a)(3).

WHEREFORE, plaintiff prays that due process issue to enforce the forfeiture and to give notice to all interested parties to appear and show cause why forfeiture should not be decreed, and that the defendant property be condemned as forfeited to the United States for disposition according to law.

Respectfully submitted,

DANA J. BOENTE
UNITED STATES ATTORNEY

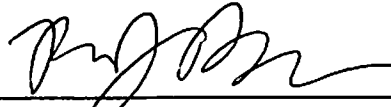
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VERIFICATION

I, Ryan Berger, Special Agent, Naval Criminal Investigative Service (NCIS), declare under penalty of perjury as provided by 28 United States Code § 1746, that the foregoing Complaint for Forfeiture in Rem is based on information known by me personally and/or furnished to me by various federal, state, and local law enforcement agencies, and that everything contained therein is true and correct to the best of my knowledge.

Executed at Norfolk, Virginia, this 7th of July, 2016.

A handwritten signature in black ink, appearing to read 'Ryan Berger', is written over a horizontal line.

Ryan Berger
Special Agent
Naval Criminal Investigative Service